1948

File No. 9821/36

B CLASS

P. W. DEPARTMENT

E BRANCH R

Subject:— Administrative Enquiry Committee
Transfer of Control of Roads —
to Dist. Local Boards.
[para 71 of A.E.C.R]

E [K] - 1948

1 1

File No. 9821/36 E.B.R

Ltd. Scott. Slip. 24 A

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 9821/26

P. W DEPT.

E BRANCH. K

References :—

Date.	To whom sent.	Notes and instructions.

AEC Report 1948.

Expenditure of Local Bodies.

71. Survey, both of the revenue and expenditure policy of Government in recent years, suggests another important point Either on accoint of dissatisfaction and inpatience at the inefficeency of local bodies or as a result of reformist zeal, there s a pronounced tendency for the Provincial Government to take over direct responsibility, administrative as well as financial, for a large variety of function which in their nature ought to belong to local self-governing bodies. Medicine, Public health, education and roads are some instances in point. Even ignoring the administrative principle involved, viz., the need to foster active centres of local self-government as a training gound for democratic governmenton the provincial and nationl level, on strictly financial gronds we feel that some reversal of recent policy in this respect is called for. For instance, it is probable that if the Provincial Governmentwere to take over responsibility for medical relief and public health all over the Province, at least for the being efficiency for the administration of these activities would improve. But it is doubtful whether the financial burden involved in making a progressive and satisfactory medical service available over the whole Province could be continuously borne by the Provincial Government in the light of thier own revenue prospects. Secondly if the local population and thier elected representatives in local bodies have little direct responsibility for the administration of what are essentially municipal services, it is doubtful whether they would be ready to tax themselves for their upkeep. With a view, therefore, to evoke from the people the highest measure of self-help in activities like these, a policy of maximum possible decentralisation, financial as well as administrative, shouldbe followed. Incidentally this would make local services to some pro...

provincial finance.

9821/36
44594

66B(R)

In para. 71 of the A.E.C. Report it has been explained, inter alia, that it is necessary to reverse the recent policy of Govt. in the matter of administration of roads in view of the need to foster active centres of local self Govt. as a training ground for democratic Govt. on provincial and National level. The Committee has accordingly recommended that a policy of maximum possible decentralisation, financial as well as administration, should be followed. This Deptt. is concernod with the administration of roads by the District Local Boards.

2 The question of handing over roads to the Dist. Local Boards was considered several times before. In 1939 Govt. has appointed a Local Self Govt. Committee(known as the Kala Committee) which had recommended a complete transfer of class III roads to the local bodies concerned with the allocation of adeuate funds. As regards the trunk roads known as class 1 which are of inter Provincial and their divisional importance and the roads coming in Calss II which are of inter.district importance the Committee had suggested that the local authorities should merely act as the Agents of Govt. and should decide how the money available shold be spent. The Committee has also recommended that the responsibility for the maintenance of residential and non-residential Govt. Building should be transferred to the local authorities with adequate amounts for expenditure in that bohalf. After careful consideration. Govt. had decided not to accept the recommendations of the Kale committee in the interest of work and on financial grounds.

3. The question was again discussed at great length in February 1944 and the note at pp. 139-141 of file No. S-1 Part 143-45 explains the position on the question of

transfer.....

transfer of Provincial Roads and Buildings in the Ahmednagar Dist. to the Dist. Local Board. for maintenance and repairs. Ahmednagar Dist. Local Board was considered the only efficient Dist. Local Board which was entrusted with the roads falling within the jurisdiction of that D.L.B. In respect of other Dist. Local Boards it has been considered and decided that as the Dist. Local Boards have not adequate funds ad staff they should not be entrusted with any of the roads in question. As recently as in Jany. 1948 Govt. has issued the following orders in respect of the expentiture of works (post War Road Dev. Programme) on roads at preset vesting in the Dist. Local Boards; vide G.R. P.W.D.No. 6269/36 dated the 13th Jany 1948.

i) In the case of Dist Local Board roads which are proposed to be raised to the M.D.R. or Provl. Highway Standards, they should be provincialised as soon as it is decided to carry out any post war development work on them and the roads should than continue to vest in the P.W.D. for maintenance even after completion of reconstruction.

ii) As regards the Dist. Local Board roads which are proposed to be treated as other Dist. Roads and Village Roads the permission of the D.L.B. should be obtained before works are sanctioned. These roads were to be entrusted to the Dist. Local Boards concerned if they were prepared and well equipped adequately to take up such works. The works were to be generally supervised during the construction by the Ex.Engr. and even the remaining works were to be carried out by the Ex.Engrs.

iii) The general question regarding entrusting the roads classified as other Dist. Roads and village Roads to the D.L.B. for construction and maintenance is still under the consideration of Govt. in the

Health,.....

Health and Local Govt.Deptt. The trend of the noting is that these Dist.Local Boards are not so far financially equipped with the necessary requirements to carry out and maintain the roads efficiently and satisfactorily to the required standard.The D.L.Bs have not got the engineering staff for the purpose.The recruitment difficulty in respect of the technical staff has been acute even for Govt.and in view of the competitionat present in verge due to the general market demand there appears no possibility in the near future that the Dist. Local Boards will be able to get efficient staff unless they offer adequate salaries to such staff.In view of the limited funds which are with the Dist. Local Boards it seems rather doubtful whether these bodies will be able to compete with the market rates in regard to the payment of staff to the technical personnel.There seems a remote possibility of the Dist. Local Board staff being equipped adquately to carry out and maintaining efficiently the roads vesting in them.

4.In reply to a legislative question by Mr. V.P.Power he was informed that Govt. is not thinking of transferring the Provl.Roads in the Dist. to the Dist. Local Boards Concerned along with sufficient funds for their maintenance.

5. In view of this, it is for consideration whether Govt. may accept the recommendations contained in the Administrative Enquiry Committee Report(para.71) regarding transfer of roads to the Dist. Local Boards. It seems that the recommendations of the Committee will have to be refused.If so, these papers may be shown to F.A. before submission to H.M.,P.W.D. On receipt of orders the F.D. will be suitably replied.

Id/-
18/8/48.

At present P.W.D. has got Province wide organization and it looks after all important roads inthe Province. It would be undisirable to transfer all roads to D.L.B.'s may have not the organization not the technical staff to do this work. It is difficult to get such staff inthese days. Also duplication is....

is undisirable. Committee's recommendation may not therefore be accepted.

Id/-
19/8/

I agree with JS(R & B)

D.S.

Most of the DLB Engineers are resigning their

Secy(I)

posts to join the P.W.D. cadre and it will be difficult for the DLBX to obtain substitutes in the present sortage of technical personnel.The P.W.D. has not been able to get its full quota of men for. E..Engineers Jobs even through the posts were indely advertise by the P.S.C..The basis of transfer of

Secy(R & B)

roads & buildings to D.L.B. agency is the existence of a suitable technical personnel with the DLB's In the absence of such personnel, it would be bad policy to transfer this work to DLBs.

I agree

F.A.

Id/-
20/8/

Id/-
20/8

--

The recommendation noted on in this file has been examined in a rather detached fashion without any apparent regard to the recommendations in the chapter of Local Self Govt. I reproduce below a portion of my note on the H. & L.G.D. file dealing with paragraph 390 of the Report, as it indicates the background to the study of the recommendations in paragraph 71.

"Coming to the point at issue on this file, it is true that, as observed by the Secy., H & L.G.D.? the Administrative Enquiry Committee has expressed a hope and not made any recommendation in paragraph 390 of the Report as the questions referred to therein are those of policy.Although the Committee's specific recommendations concerning the local bodies' share of responsibilities in regard to primary education and public health matters are contained inparagraphs 207 and 278 respectively.....

ely, the intention was that they should be examined in the light of the whole chapter on Local self Govt., with particular reference to paragraph 390.Attention is also invited to paragraph 71 in the chapter on Public Expdre.If the local bodies are to serve the real purpose of nits of decentralised authority and nurseiesm of democracy, for which they are intended the Committee felt that it was only inevitable that the people should be allowed to shoulde- responsibilities even at the cost of mistakes.One lea-ns by mistakes, particularly of the powers that be take care to apply the proper correctives. Also,mistakes at the Local Self Govt. level would not be of much consequence, as they would be if committed at the provincial or still higher level. With the ~~examin~~ attainment of independence by India, administrations would not come from overseas and therefore the Committee thought that it was indispensable that local bodies, with the training they can afford in administration, should not be long deprived of their primary functions and responsibilities in the sphere of public Works, public health,education and the like.The significance of paragraph 390 is that it provides a back gound to the study of the recommendations in paragraph 71, 207 and 278 of the Report and suggests that steps should as far as possible be taken to ensure even now that, as soon as the special needsof the present situation are met, the local bodids will be enabled to come fully and speedly into their own".

2.The Committee's proposal has been objected to mainly on the gounds-

1) that the local bodies are not financially equipped with the necessary requirements to construct, carry out repairs and maintain the roads efficiently and satisfactorily upto the required standard.

ii) that the local bodies have not the staff ~~requir~~ for ~~the~~ requisite organisation nor the technical staff required

for.....

the purpose

iii) that there is a shortage of technical personnel and

iv) that duplication is undersiable.

3.If the ~~x~~recommendation had been examined on the lines idicated in th extract reprouced in paragrapg 1 above, as was intended by the Administrative Enquiry Committee, the objections raised by the P.W.D. would have probably taken a different turn.

Objection(i) Attention is invited to paragraph 378 of the Report

Objection(ii): see paragraphs 379-389 of the Report-

Objection (iii): see paragraphs 349-350.The arrangement suggested in paragraph 40 of Appendix D-Interim Reports-can in due course be conveniently extended to include the needs of the D.L.Bs., particularly inview of the Administrative Enquiry Committee's suggestions for recruiting orricers of the local bodies thorugh the P.S.C. and for constituting them into suitable cadres.

The Administrative Enquiry Committee has laid great stress on the necessity of avoiding duplication in the organisation of the Provincial administrative machinery.In fact, as will be seen from paragraph 335-338,unitary control has been~~x~~ one of the basis principles of the suggested reorganisation. A perusal of the Report will bear this out. the transfer of 'minor irrigation' back to the P.W.D. is an instance inpoint.While transfeing responsibilities in matters regarding roads to the local bodies and thus utilisig them as ~~x~~ units or decentralised authority, it is for the P.W.D. to see that their activities become complementary to those of the P.W.D. and that there is no duplication.

4....

4.The Committee recognised that the handing over of greater responsibilities to local bodies, consequent on the reorganisation of the machinery for an effective supervision over them, as suggested in paragraphs 382-389, and the placing at their disposal of adequate fnds, as recommanded in paragraph 378, would take some time but, if they are to serve as soon as may be the real purpose for which thay are intended, the Committee thought that the policy and process of decentralisation advocated by it should be started almost immediately in whatever direction it may be possible to do so with due regard to their present staff and financial position.

Id/-

Secy,P.W.D.(R & B.)

9821/36

P.W.D.

E.B(R).

In para. 71 of the A.R.C.'s Report, the Committee has expressed a view that some reversal of recent policy in respect of entrusting works to local Bodies is called for. This Deptt. is concerned with the transfer of roads to D.L.Bs. The position has been fully detailed in the notes at pp.1-4 ante and the view of this Deptt. is that, in the circumstances obtainig at present it wold be a bad policy to transfer roads to D.L.Bs. The main objections raised by this Deptt. and the views of the F.A. thereon and an explanatory office note will be found in the sub-joined statement:-

Views.....

Views of the P.W.D.	Remarks of F.A.	Office Note.
(1) Local bodies are not equipped financially with the necy. requirements to construct & maintain roads efficiently to the reqd. std.	(1) Attention is invited to para 378 of the A.E.C. Report.	(1) In this para. the Committee has recommended that, Govt. shd. place at the disposal of the Local Bodies funds adequate for the duties they are expected to perform ~~experiment~~ experiment. This was already tried before but it was found that the Local Bodies were unable to maintain roads to the proper std.
(2) Local bodies have not the techl. staff and due to present acute shortage of staff it is not possible for them to get the same for some years to come.	(2) Attention is invited to paras. 379-382 & to para. 349-350 of the Report.	(2) The Committee has recommended (a) that the services of the Local self Govt.-Institute shd. be available of by expanding its scope. (b) that recruitment to the D.L.B. staff should be made through the P.S.C. (c) that for techl. services persons having experiences in business and other private concerns shd. be taken up. The question of expanding the scope of the Local Govt. Institute is mainly for the H.& L.G.D. to consider. This does not affect the main point at issue viz. the inability of the Local Bodies to maintain roads to the reqd. standard. Past experience has shown that even the provision of necy. funds the local bodies were ~~not~~ not able to maintain roads to the proper std. even in normal times. The main burden of P.W.D. argument is that it is not possible for the D.L.B. to obtain the reqd. techl. staff. except under a prohibitive cost and even if this was don past experience has shown that unless the composition of the Local Bodies was completely overhauled, there would not be the reqd. background. The present times are inopportune to reopen the question.

In.....

2) Duplicition is undesirable.	3) Attention is invited to paras. 335-338 of the Report advocating the principle of unitary control and it is suggested that while transferring responsibilities in reg. to roads to local bodies it is for the P.W.D to see that the activities of the D.L.B. become complimerntary to P.W.D.& that there is no duplicition.	3) In view of the notes recorded above the question of transfer of roads to D.L.Bs. does not arise.It is therefore unncey.to note on those point.

2. These papers may now be submitted to H.M.,P.W.D.

Id/-
15/9/48

The P.W.D. case has been stated.If Govt. thinks that Secy(i) DLBs will get the necessary technical steff through PSC & Secy(R & B.) that they will learn only through mistakes, it will be Secy H & SGD while for Govt. to undertake the experienced in selected HM.P.W.D. districts on D.D.Bs & village roads to commence with.

Id/-
17/9

The reference merely to the difficulty above technical staff would mess the general director of AEC's recommendation. I would genrally accept A of FA's, note dated 5/9/48. As suggested elsewhere all there recommandation may be directly HD(Health &P.W.D.)HD & SG sec P.W.D.) & sec. H. & L. G. D.

Id/-
7/1/49.

Fianance Department,A

In para. 71 of its report, the A.E.C. has recommended that with a view to evoke from the people the highest measure of self help in local self Govt. Activities,a policy of maximum possible decentralisation financial as well as administrative should be followed. The E.& I.D.,H & L.G.D. and the P.W.D. are mainly concerned with these recommendations.The P.W.D. may therefore be requested to examine the above recommendation as far as it is concerned and to communicate its remarks with the least.....

least possible delay so as to reach this department before the end of this month.

Id/-
13/4/48.

U.o.r.to P.W.D. dated 13/8/48

9821/36/55668

P.W.D.

E.B.(II)

A.E.C's recommendation in respect of para 71 is that reversal of recent policy in respect of entrusting works to Local bodies is necessary. This Deptt. was concerned with transfer of roads to D.L.B.s This Deptt. refuted the recommendation on the grounds that -1) Local bodies are not equipped financilly with the necessary requirements to construct and maintain roads to the proper standard and that 2) they have not the technical staff and they are bound to face this shortage for some years.

2. The objections raised by this Deptt., views of the F.A. thereon and an explanatory note have been submitted to Secy.H and L.G.D. and H. M.P.W.D. since 17/9/48.

3, If approved, the papers may be referred u.o. to F.D. with above note.

Id/-
13/10/48
Id/-
15/ Very Urgent

u.o. to F.D.

F.D.
A

Please see the foregoing note of the P.W.D.

If approved the H. and L.G.D. may be requested to state how the matter stands now.

Id/-
20/10/

u.o.r. to the H.L.G.D. dt. 21/10/48

Hand L.G.D.

It is understood that the P.W.D. papers referred to at 'A' overleaf were sine retd. to P.W.D. by HM's office

2. This note may be returned to F.D. through the

P.W.D.
Id/-
14/12/48

Id/-
15/12/48

u.o. to the P.W.D.

....

9821/36

P.W.D.

C.B.(I & II)

Resubmitted with a draft for approval.

2. After issue, the papers may be submitted to theSecy.,H.&L.G.D., H.M.,P.W.D. and H.M., L.S.G. with ref. to the Secy.,H &L.G.D.'s note at p. ante.

Thro: E.B.(II), D.Es.(R) and(B)

Id/-
15/1/49

Id/-
15/1/49

Id/-
17/1/49

Id/-
17/1/49

Id/-
17/1/49

Id/-
18/1/49

Id/-
19/1/49

We have linked up para 71 with para 278 and informed F.D. that Govt's decision at para 278 will cover para 71 also. Please see copy of notes at page 17 past.

Secy. H. & G.B.

H.M.P.W.D.

H.M. L.S.G.

Id/-
20/1/49

Id/-
20/1/49

Id/-
24/1/49

Id/-
25/1/49.

....

Letter 9821/36

No. 9821/36-C(I)

P.W.D.
B.C., 19th Jany.1949.

To

The Secy. to the Govt. of Bomabay,
Finance Deptt.

Subject: Paragraph 71 of the Report of the Administrative Enquiry Committee so far as it relates to transfer of roads to Dist.Local Boards.

...

Reference: Your unofficial reference dated the 13th/14th Aug. 1948. Re: para 71 of the Report mentioned above.

2. This Deptt. is concerned with the administration of roads by D.L.Bs.In the circumstances obtaining at present it would not be advisiable to transfer roads to D.L.Bs.

3. If, however,Govt. considers that the recommendations should be accepted in principle and the D.L.Bs. will get the necy. technical staff through the Public Service Commission and the D.L.Bs.will learn through mistakes it would be worthwhile for the Govt. to undertake experiment by transferring the control of other Dist. Roads and village Roads only in selected districts to the D.L.Bs.

4. The main objections of this Deptt. to accpet the recommendation in toto are as follows:-

(a) Local bodies are not equipped financially with necessary requirements to construct and maintain roads efficiently to the required standard.

(b) Local Bodies have not the technical staff and due to present acute shortage of staff, it is not possible to get the same for years to come.

(c) Duplication of control on the execution of work is undesirable.

5. The general question re: entrusting the roads classified as other Dist. Roads to the D.L.Bs. is at present under consideration of Govt. in Health and Local

Govt.....

Govt. Deptt.

By order, e tc: D.A.Nil.

Copy forwarded to the P & S.D. with a request to include this item in the Digest.

Copy to hhe H.&L.G.D. for information.

Id/-
15/1/49

Id/-
15/1/49

Id/-
17/1/49

Id/-
18/1/49

....

Extract of the Secretary's note on File 6122/33-D, regarding paragraph 278 of the Administrative Enquiry Committee's Report, concurred in by Hob'ble Minister(L.S.G.) and Hon'ble Minister(Health).

....

These cases have been discussed with H.M.(L.S.G.) and suitable action is being taken.

2.As regards para.278, the recommendation may be accepted in principle but it can be implemented only when local initiative and a sense of local responsibility are evident and we can be sure that the local authorities will maintain a minium standard of efficiency.

Id/- L.T.G.
10/11/48

....

H.M.(L.S.G.) I would like to discuss this file with Secretary.

Id/- G.D.V.
26/11/48

Discussed with H.M.(L.S.G.) who concurs in the views expressed in my above note dated the 10th Novr. 1948. This file is now submitted to H.M.(health).

Id/- L.T.G.
22/12/48

Id/- M.D.D.G.
17/1/49.

H.M.(Health).

R.P. Talekar